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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,929	02/06/2004	Robert E. Petner	2014.00066	7399

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EXAMINER

CHIN, RANDALL E

ART UNIT PAPER NUMBER

1744

DATE MAILED: 08/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/773,929

Applicant(s)

PETNER, ROBERT E.

Examiner

Randall Chin

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Specification***

2. The disclosure is objected to because of the following informalities: On p. 3, line 17, "front wall 10" should read --front wall 8--. On p. 3, line 20, it appears "course" should read --coarse--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilen '347 in view of Schulman '961.

The patent to Wilen '347 discloses in Fig. 1 a mop comprising, an elongated handle 40, a housing 11 defining a unitary mop body and a plurality of absorbent material strands 32 (Fig. 3) attached to and extending from the mop body, said mop body comprising receiving means 38 to accept and secure the handle to the mop body, the mop body further comprising front and rear walls defined by the two side walls 12 separated by and connected to an intervening top wall 36 which extends between the front and rear walls 12, 12, said top wall supporting the receiving means, stationarily positioned scrubber means 60 defined by rigid brush bristles (col. 4, lines 30-36) for cleaning ingrained, soiled surfaces, the scrubber means defining an abrasive surface, and support means extending between the front wall and the scrubber means defined by outwardly flared wall portion 18 and wall portion 20 (Fig. 1). The patent to Wilen '347 teaches all of the recited subject matter with the exception of the scrubber means being downwardly facing in relation to the mop body. The patent to Schulman '961 discloses scrubber means 7, 8 being slanted downwardly facing in relation to the mop body. It would have been obvious to one of ordinary skill in the art to have modified the Wilen '347 mop such that the scrubber means is downwardly facing in relation to the mop body as taught by Schulman '961 for the purpose of allowing ready positioning of the scrubber means in an unencumbered manner.

As for the mop being used for a deck as recited in claim 1, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the

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intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

As for claim 2, Wilen's front and rear walls 12, 12 are parallelly aligned (Fig. 1).

As for claim 3, the modified Wilen mop has an abrasive surface positioned at an oblique angle to the front wall to which it is maintained.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wilen '347 in view of Schulman '961 as applied to claim 1 above, and further in view of Stuck '186.

The patent to Stuck '186 teaches a mop that has an abrasive pad 26 (col. 3, lines 49-58). It would have been obvious to one of ordinary skill to have provided the modified Wilen '347 mop with an abrasive pad as taught by Stuck '186 for improving the scrubbing characteristics of the mop to rid of stubborn soiled stains or stubborn scuff marks. Clearly, one of ordinary skill would find it obvious to provide for some type of mechanical fastening means to affix (whether detachably or permanently) the abrasive pad to the modified Wilen mop. Whether one utilizes a scrub brush or an abrasive pad in conjunction with a mop head (i.e., one with strands) is deemed obvious and old and well known in the art for providing a combined mop structure arrangement.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Petner, Williams, Sadler, Kalinowski, Neumann, Kim, Burkhart, O'Neil, and Hofacker, Jr. are relevant to various mop structures with additional scrubbing means attached thereon.

7. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Robert Warden, can be reached at (571) 272-1281. The number for Technology Center 1700 is (571) 272-1700.


The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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R. Chin



Randall Chin  
Primary Examiner  
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